



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2012-19

Legistar #: 20120423

Board of Zoning Appeals Hearing: Monday, May 21, 2012 – 6:00 p.m.

Applicant: Karl Bealke
% Pro Building Systems
3678 North Peachtree Road
Atlanta, GA 30341

Property Owner: Ed Voyles Automotive
Attn: Bill Brantley
2145 Cobb Parkway, S. E.
Smyrna, GA 30080

Address: 2145 Cobb Parkway South

Land Lot: 07800 **District:** 17 **Parcel:** 0100

Council Ward: 1 **Existing Zoning:** CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Special Land Use Permit to use a temporary sales trailer pending completion of a permanent building. [Sect. 710.02]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



2145 Cobb Parkway South



2145 Cobb Parkway South (front view)



Proposed location of sales trailer



Recommended Action:

Approval. The applicant, Karl Bealke for Ed Voyles Kia, is requesting a special land use permit to use a temporary sales trailer at the property located at 2145 Cobb Parkway. The subject property and all surrounding properties are zoned CRC (Community Retail Commercial). The showroom and sales offices will be impacted by scheduled renovations to the exterior and interior of the building. The building permit submitted by the applicant for the sales trailer states that it will be in use for approximately three months (May 14, 2012 – August 3, 2012).

Section 710.02 states that “*Requests to utilize a temporary building pending completion of a permanent building may be granted a Special Land Use Permit (SLUP) by the Board of Zoning Appeals for a period not to exceed one year.*” Based on the submitted building permit, the sales trailer will be used for approximately three months.

There should be no safety issues with allowing the public inside a temporary trailer so long as it is properly permitted. The applicant has already applied for a permit for the trailer; its issuance is pending the outcome of this variance request. The site plan submitted with the variance application shows that the sales trailer will be located towards the center of the property and on the northern side of the existing building. The proposed sales trailer is shown in such a way as to not take up any required parking and not be within the side setback.

A similar request was approved by the Board of Zoning Appeals on May 23, 2011, which allowed Steve Rayman Chevrolet the use of two temporary trailers – one for service and one for sales - at 2155 Cobb Parkway South.

Granting this request should not pose any negative effect on the safety or general welfare of the public. As a result, **staff recommends approval of this variance request.**